

**REPORT - PLANNING COMMISSION MEETING  
May 13, 2004**

**Project Name and Number:** Sethi Residence (PLN2004-00136)

**Applicants:** Ravi & Risham Sethi

**Proposal:** To consider a Planned District Minor Amendment (P-90-14) for the construction of an 8,163-square foot single family home.

**Recommended Action:** Approve, subject to conditions

**Location:** 44989 Vista Del Sol in the Mission San Jose Planning Area

**Assessor Parcel Number:** 513-073-1040

**Area:** Lot Size – 2.69 acres

**Owners:** Ravi & Risham Sethi

**Agents of Applicant:** Le Engineering/Wesley Liu Engineering/Geotechnical Engineering, Inc.; Landscaping: Marty Hoffman; Energy: Builder's Energy Services

**Consultant(s):** TDH Design

**Environmental Review:** Class 3 Categorical Exemption per Section 15303 of CEQA Guidelines

**Existing General Plan:** Very Low Density Residential, 0.5-1.5 units per acre

**Existing Zoning:** Planned District (P-90-14)

**Existing Land Use:** Vacant

**Public Hearing Notice:** Public hearing notification is applicable. A total of 33 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Vista Del Sol, Corte Del Sol, Hunter Lane, Rutherford Terrace, and Rutherford Court. The notices to owners and occupants were mailed on May 1, 2004. A Public Hearing Notice was delivered to The Argus on April 26, 2004 to be published by April 30, 2004.

**Background and Previous Actions:** Planned District P-90-14 for the development of 22 single family lots and custom homes was approved by the City Council on November 13, 1990. Tract 6082, of which the subject site is Lot 18, was recorded on October 6, 1991.

**Project Description:** The proposed project is the construction of a new two-story, 8,163-square foot residence with an attached 1,103 square foot, four-car garage. Total building square footage is 9,266 square feet. Associated landscape and hardscape improvements including swimming pool and spa are also proposed. The size of the house has been reduced approximately 3,310 square feet from a previously approved plan of the former owner in May 2001 (for comparative purposes, reduced plans for the former owner, Lachman Mangat, are enclosed as Informational Exhibit 1).

This site, while in the Hill Area as defined by that Development Policy, is not above the Toe of the Hill line promulgated by the Hill Area Initiative of 2002 ("Measure T").

**Project Analysis:**

- **General Plan Conformance:** The existing General Plan land use designation for the project site is Very Low Density Residential, 0.5-1.5 units per acre. The proposed project is consistent with the existing General Plan land use designation for the project site because one single family home is proposed for the 2.69 acre lot. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

Land Use Policy 1.1

...Residential use is the primary allowed use in a residentially designated area. . . .

*The application seeks approval for a residential use permitted in this PD-zoned area.*

Land Use Policy 6.18

Subject to the prohibitions, restrictions, densities, conditions and requirements imposed by the 2002 Hill Area Initiative, generally compatible uses are agriculture, recreation and very low density residential which complies with standards and densities set out in the General Plan text.

*The proposed project is consistent with the stated policies because the use is proposed in a residentially-designated area. Appropriate architectural review (see 'Design Review' section below) is performed to ensure consistency with the General Plan.*

- **Zoning Regulations:** The site is zoned Planned District, P-90-14. The proposed residence conforms to the building setback and height requirements set forth through the Planned District. This includes fifteen-foot side yard setbacks, thirty-five foot front and rear yard setbacks and a thirty-foot height limit (this last provision pursuant to the Hill Area Development Policy). It also conforms to other development regulations as set forth through P-90-14, including the applicant's agreement to record and maintain an open space easement south of the building pad area.

The floor plan proposes a dramatic "grand entry" main entrance with a fountain element on the walkway approach thereto, dual curving stairways leading to the second floor, a large patio to the southwest, a wine cellar, exercise room, game loft, and two rear balconies.

- **Parking:** Four covered parking spaces are provided as well as a garage apron that can accommodate at least six additional vehicles.
- **Open Space/Landscaping:** The lot is approximately 117,178 square feet in area. Proposed lot coverage between the building footprint and the landscape/hardscape surface is approximately 21,000 square feet leaving over 105,000 square feet of open space on the lot. A 30-foot irrigated wet band will be required adjacent to rear yard improvements. The wet band will then transition into a large open space easement that covers the majority of the rear yard. The wet band shall be shown on the final landscape plans to be reviewed and approved through the Development Organization. The "Vineyard" area has grapes and arbors, but no additional development is proposed.
- **Circulation/Access Analysis:** Access to the site is provided from Vista Del Sol, an existing minor residential cul-de-sac. A driveway leads from the end of the cul-de-sac to the garage apron and garage. The proposed driveway slopes up from Vista Del Sol at approximately 1.5% grade. The existing curb cut is not precisely aligned with that shown on the plan; however, the portion of the existing cut not shown will be removed. A sidewalk also leads from the cul-de-sac to the front entrance.

## Design Analysis:

**Architecture:** A modern house design is proposed utilizing various materials and architectural elements. A series of angles, curved elements and awnings are used to lessen the apparent mass of the structure. The house is essentially a combination of "La Habra" X-82 Hacienda stucco (a pale yellow), "dusty mauve"-colored quoins and roof trim, eaves of "bird's nest" 1C1 chocolate brown, capped with a red tile roof. A large number of aluminum framed windows are proposed, specifically for the rear or south elevation. The windows are methodically placed and are generally clustered within each room. The entry feature, besides the fountain element mentioned above,

features a surrounding grey brick plaza with recessed tile courtyard separated therefrom by a small stairway and railings leading to the front door, flanked by the two “wings” of the house. A balcony is parallel to the front door on the second story, as well as two others on the respective front wing portions. This façade also offers single-story elements along the frontage portions closest to the neighbors on each side. The side and rear elevations are also varied in terms of materials, awning, and roof elements. The east elevation combines the single-story garage with the two-story house. The rear elevation, which opens up to a large patio and private open space area, including the pool and the spa, also incorporates two balconies above first floor patios. Overall, staff finds the architecture to be unique and appropriate for the size of the house at the terminus of a cul-de-sac.

**Landscaping:** An elaborate landscape plan is proposed utilizing various trees, shrubs, groundcover, and vines. The required street tree, a 3”-trunk sycamore, is already installed just west of the front entry. From west to east, a 15-gallon jacaranda, two 15-gallon Bradford pear, and four crape myrtle trees are proposed for the front yard. The front yard fountain will be accented by a lawn and various shrubs including beard tongue and several rose varieties. Various 15-gallon Italian Buckthorn trees are proposed in the west side yard for accent and screening purposes. Rear yard plantings include shrubs mainly of 5-gallon size for color and variety so as not to impede views. Species include two varieties of conebush, greenspire euonymous, sage, bridal wreath, and several roses. The rear yard design consists of lawn interspersed with the patio and outdoor living space areas, which includes swimming pool with “vanishing edge” and spa. Hardscape surface has been proposed to total approximately 4,420 square feet, which includes all yard areas. Other landscaping proposed for the wetband area are dwarf maiden grass, which is highly flammable, and dwarf coyote bush groundcover which is not permitted in the wetband. Each will be replaced on the final landscape plan submitted to the Development Organization (Condition A-11).

- **View Impacts:** Significant impacts to views are not anticipated. The proposed location of the house at the end of a cul-de-sac will obstruct views from the street. The location of the adjacent home to the northwest is such that views from this property will be maintained for the most part. However, the two existing homes to the northeast may have partial views obstructed. This is because of the 35-foot front yard setback and the location of property at the terminus of the cul-de-sac. However, a portion of the house from this elevation, as well as that to the west, is single-story, which will help to lessen the impact.

**Grading/Topography:** The project site is relatively flat for the first 100 feet adjacent to Vista Del Sol. The remainder of the property is very steep, sloping down in excess of 33 percent from the 480-foot contour to the existing creek along the southern property lines. Site elevations range from approximately 481 feet to 388 in the southwest corner.

The project proposes the construction of a single-family residence including a swimming pool and related hardscape. The project plans show estimated grading quantities to be balanced at 880 cubic yards of both cut and fill, which totals 1,760 cubic yards of grading. Staff requested a revised estimate from the project civil engineer, since the plan appears to only show cut, with no fill areas identified. A revised estimate was received showing 800 cubic yards of cut, which will be exported. The grading quantity in this case is less than 1,000 cubic yards; therefore a Preliminary Grading Plan application is not required.

**Drainage:** The storm drainage system for this site is a natural creek along the southern property line and an existing 18-inch public storm drain pipe running through Lot 17. The grading and drainage plan shows two area drains in planters and one in a concrete walk along the north side of the residence. These drains connect to a perforated pipe proposed at the 474-elevation contour. The on-site storm drainage system shall be subject to approval of staff during Development Organization.

**Urban Runoff Clean Water Program:** The Federal Clean Water Act of 1972 and Water Quality Act of 1987 require localities throughout the nation to obtain a National Pollutant Discharge Elimination System permit (NPDES) in order to discharge storm water into public waterways such as creeks, rivers, channels and bays. The applicant will comply with the City’s Urban Runoff Clean Water Program in accordance with the NPDES requirements issued by the State’s Water Quality Control Board.

**Development Impact Fees:** This project will be subject to Citywide Development Impact Fees. These fees may include fees for fire protection, park facilities, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.

**Environmental Analysis:** Class 3 categorical exemption per Section 15303 of CEQA Guidelines. This Section allows exemptions for the construction of single-family homes.

**Response from Agencies and Organizations:** No responses have been received.

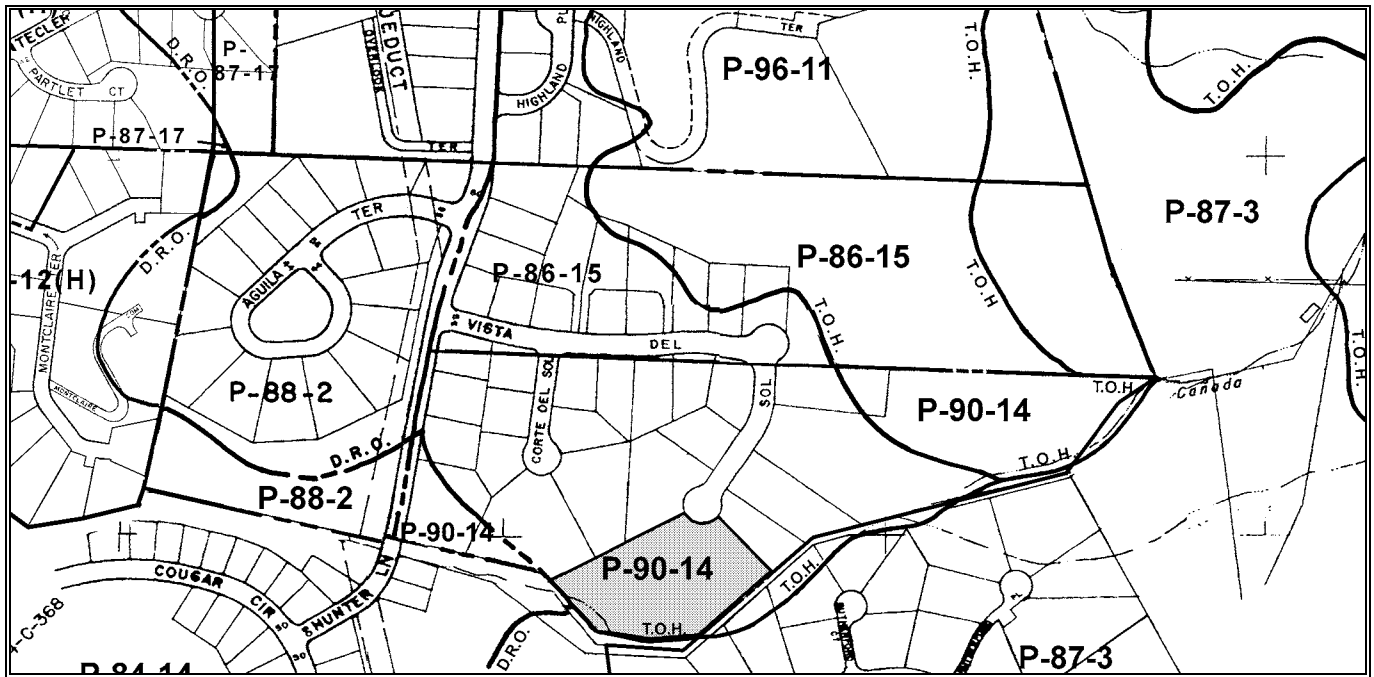
<b>Enclosures:</b>	Exhibit "A"	Site Plan, Grading Plan, Landscape Plan, Floor Plans, Elevations
	Exhibit "B"	Conditions of Approval
	Exhibit 1	Former proposal by Lachman Mangat, dated April 24, 2001 (Informational)
	Exhibit 2	Existing conditions for Planned District P 90-14 (Informational)

<b>Exhibits:</b>	Exhibit "A"	Site Plan, Grading Plan, Landscape Plan, Floor Plans, Elevations
	Exhibit "B"	Conditions of Approval
	Exhibit "C"	Color and Material Sample Board

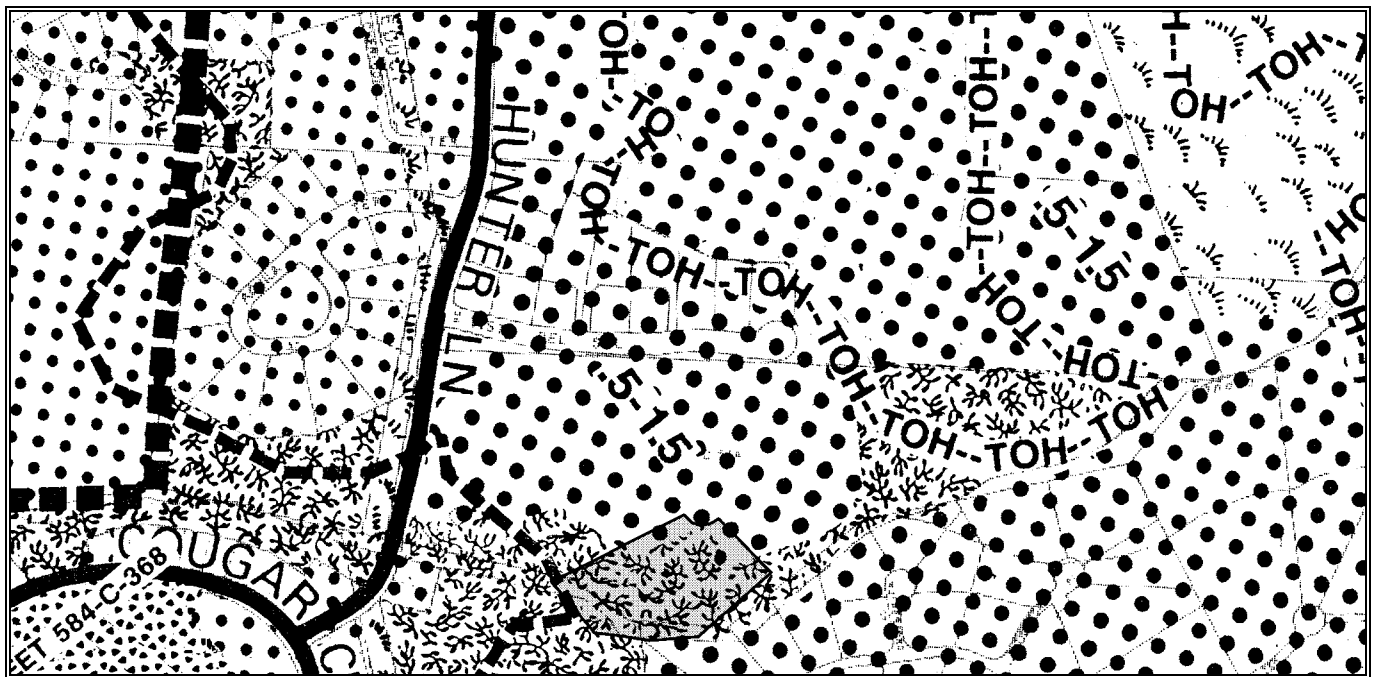
**Recommended Actions:**

1. Hold public hearing.
2. Find the PD Minor Amendment, PLN2004-00136, is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Natural Resources Chapter.  
  
*Reference is made to the 'General Plan Conformance' section above that discusses how the proposal satisfies the policies relevant to this conformance finding.*
3. Find that the project has been evaluated for the potential to cause an adverse effect—either individually or cumulatively—on wildlife resources. There is no evidence that the proposed project would have any potential for adverse effects on wildlife resources.
4. Approve PD Minor Amendment PLN2004-00136, as shown on Exhibit "A", subject to conditions on Exhibit "B" and the color and material sample board as Exhibit "C".

Existing Zoning  
Shaded Area represents the Project Site



Existing General



**EXHIBIT "B"**  
**Ravi & Risham Sethi – PLN2004-00136**  
**44989 Vista Del Sol**

**CONDITIONS OF APPROVAL**

***Prior to building permit issuance:***

- A-1 The project shall conform to Exhibit "A", all of the applicable conditions of approval for P-90-14, and all the conditions set forth herein.
- A-2 The applicant shall submit appropriate plans to the Development Organization for review to insure compliance with all City codes and policies. Any changes or modifications required through the Development Organization review process shall be incorporated into the project.
- A-3 The project shall be subject to City-wide Development Impact Fees. These fees may include fees for fire protection, park facilities, capital facilities and traffic impact. These fees shall be calculated at the fee rates in effect at the time of building permit issuance.
- A-4 Minor revisions of the site plan, building location and architectural details may be permitted within the overall context of the approved design concept, subject to the review and approval of the Assistant City Manager during the Development Organization review process.
- A-5 Colors and materials shall be represented as on Exhibit "C" (Color and Materials Board), except as may be modified by the Planning Commission. Any requested changes to the approved materials and colors shall be submitted to staff for review and approval. Material samples and colors shall be submitted along with a written description of the requested change.
- A-6 The project shall conform to the City's Hazardous Fire Area requirements.
- A-7 An approved fire extinguisher system (AFES) shall be installed throughout the residence, subject to review and approval of staff during the Development Organization review process.
- A-8 All retaining walls shall be limited to a maximum height of three (3) feet. All retaining walls supporting surcharge or retaining walls over 12 inches in height shall be reinforced concrete or approved equal. Pressure treated wood retaining walls will be allowed for retaining walls 12 inches or less in height. Retaining walls supporting surcharge shall require a building permit.
- A-9 The roof shall be coated with rust-inhibitive paint.
- A-10 A detailed landscape plan shall be submitted. Details should include paving materials and textures of walkways, lighting of walkways and driveways with low intensity, nonglare type fixtures, screening of driveways and parking areas, and landscaping of site and parkway areas.
- A-11 A detailed landscape plan shall be submitted. As part of the landscape plan, the applicant shall submit to the Development Organization: (a) an underground irrigation plan; and (b) weed control specifications.
- A-12 The wetband plant materials "Miscanthus sinensis 'Yakujima' (dwarf maiden grass) and "Baccharis pilularis 'Twin Peaks' (dwarf coyote bush) shall be replaced with approved low flammability plantings found in the publication Firescape, EBMUD, 1998 edition.

- A-13 All landscaping shall be properly maintained and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides which can contribute to runoff pollution.
- A-14 Prior to commencement of grading, any required weed abatement for fire hazard control shall be done by mowing the site, rather than discing. Thirty days prior to grading, site clearance or construction commencement, a survey by a certified wildlife biologist to determine the presence of burrowing owls shall be conducted. Should the survey find such evidence of burrowing owls, such activity shall cease until the recommendations of the biologist for relocation of the owls have been implemented.
- A-15 All grading shall be accomplished using slopes no greater than 3:1 horizontal to vertical, subject to staff review during the Development Organization review process.
- A-16 Project plans shall include erosion control measures to prevent soil and debris from entering the storm drain system, including the use of Best Management Practices (BMPs), subject to staff review during the Development Organization review process.
- A-17 All mechanical equipment, including air conditioning units and utility meters, shall be screened from view from adjacent right-of-way and other uses, subject to staff review during the Development Organization review process.
- A-18 No antennas shall be placed on the roof or in the front or side yard areas adjacent to the public right-of-way. All antennas shall be screened from view, subject to staff review during the Development Organization review process.
- A-19 No exterior lighting shall be permitted except that which has a concealed source, subject to staff review during the Development Organization review process.
- A-20 A professional California-registered civil engineer shall prepare the final grading and drainage plans. Said drainage plan shall insure that all roof drainage be carried to a public street, subject to Development Organization review. Said grading plan shall be submitted to the project planner along with an application for Preliminary Grading Plan review by the Planning Commission, and shall include "pad certification" to insure that grades and elevations reflect those shown on the overall grading plan approved for Planned District 90-14.
- A-21 Grading operations shall be supervised by a registered civil engineer in accordance with the recommendations of the required soils report.
- A-22 Site grading shall not obstruct natural flow from abutting properties or divert drainage from its natural watershed.
- A-23 A disposal site for the off-site haul of dirt shall be approved by the City prior to the approval of the grading permit. The haul route shall be subject to approval by the City Engineer.
- A-24 A 30-foot wetband shall be required and shown immediately adjacent to the rear yard improvements on the final landscape plans to be reviewed and approved through the Development Organization.

***Prior to forming and framing***

- B-1 The architect/engineer shall submit a letter to the City certifying that the finished pad and floor elevations are consistent with the approved plans, subject to the review and approval of the Assistant City Manager.

***During construction:***

- C-1 The property owner shall be responsible for litter control and sweeping of all paved surfaces. All on-site storm drains shall be cleaned immediately before the start of the rainy season beginning on October 15 of each year, subject to the review and approval of the Building/Engineering Inspector.
- C-2 Any vehicle or equipment washing/steam cleaning must be done at an appropriately equipped facility which drains to the sanitary sewer. Outdoor washing must be managed in such a way that there is no discharge of soaps, solvents, or other pollutants to the storm drains. Wash water should discharge to the sanitary sewer, subject to the review and approval of the Union Sanitary District.
- C-3 Construction activities shall be limited to the following hours of operation:
- |                  |               |
|------------------|---------------|
| 7 a.m. to 7 p.m. | Monday—Friday |
| 9 a.m. to 6 p.m. | Saturday      |
- No construction activities permitted on Sunday. Failure to abide shall result in withholding of inspections.

***Prior to Certificate of Occupancy:***

- D-1 The project architect/engineer shall submit a letter certifying that the building has been constructed in conformance with the approved plans, subject to the review and approval of the Assistant City Manager.
- D-2 The project engineer shall submit a letter certifying that site grading and drainage have been implemented in conformance with the approved plans, subject to the review and approval of the Assistant City Manager.
- D-3 All required landscaping shall be installed prior to Certificate issuance, subject to staff review during the Development Organization review process.